

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

SHAMICA JOHNSON,	)	CASE NO. 1:18-CV-00659
	)	
<i>Plaintiff,</i>	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	MAGISTRATE JUDGE DAVID A. RUIZ
	)	
CARETENDERS OF CLEVELAND, INC.,	)	
	)	
<i>Defendant.</i>	)	<b><u>JOINT MOTION FOR APPROVAL OF</u></b>
	)	<b><u>FLSA SETTLEMENT</u></b>
	)	

Plaintiff Shamica Johnson and Defendant Caretenders of Cleveland, Inc. respectfully move this Court to issue an Order approving the settlement reached by the parties and memorialized in the parties' Confidential Settlement Agreement and Release (the "Confidential Agreement"). The parties respectfully submit that the settlement of this case as set forth in the Confidential Agreement is a fair and reasonable compromise of the claims brought by Plaintiff Shamica Johnson and the defenses asserted or those which could be asserted by Defendant in this matter.

The Court's approval of the terms of the Confidential Agreement is necessary because, in this matter, Plaintiff brought claims for alleged violations of the Fair Labor Standards Act ("FLSA") for failure to pay overtime. Defendant denies Plaintiff's allegations and specifically denies any and all liability to Plaintiff on her unpaid overtime claim. The settlement agreed to by the parties and memorialized in the Confidential Agreement constitutes the settlement of a bona fide dispute and eliminates the time, cost, and uncertainty that would be occasioned by further litigation.

The parties understand that, pursuant to the applicable language of the FLSA, Plaintiff cannot waive or release her unpaid overtime claims or any unasserted claim that could be brought

under the FLSA without the involvement of the United States Department of Labor – which the parties do not wish to engage – or a court-approved stipulation of settlement. For this reason, and the reasons set forth in the accompanying Memorandum of Law, the parties respectfully request that the Court approve the settlement of this matter as set forth in the Confidential Agreement by entering an Order in the form attached hereto as Exhibit A.

Respectfully submitted,

/s/ Christopher M. Sams

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of September, 2018, a true and accurate copy of the foregoing was filed electronically with the U.S. District Court for the Northern District of Ohio. Notice of this filing will be sent to all parties of record by operation of the Court's electronic notification system.

/s/ Michael Kozimor

Michael Kozimor (0092376)

*One of the Attorneys for Defendant*